IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 365 OF 2003

Shri Anthony Jose
Nazareth Rodrigues,
Proprietor,
'Jose Bar/Restaurant",
Menezes Braganza Road,
Panaji, Goa. ... Petitioner

Versus

The Assistant Drugs
Controller, Directorate
of Food and Drugs Administration,
Panaji, Goa. ... Respondent.

Shri N. Costa Frias, advocate for the petitioner.

Shri P. A. Kamat, Addl. Govt. Advocate for the State.

CORAM : F. I. REBELLO, J.

DATE : 7th August, 2003.

ORAL ORDER

Rule. Heard forthwith.

The petitioner aggrieved by the Order dated 24th December, 2002 passed by the respondent and the Order dated 20th June, 2003, passed by the Hon'ble Minister for Health, dismissing the appeal has filed the present petition.

2. The petitioner herein had a licence. There were some proceedings under which the Municipal Council came to seal the premises. That was the subject-matter of a Writ Petition before this Court. It transpires that the officers of the respondent visited the premises and found the premises locked. A

report accordingly was made based upon which the Show Cause Notice was issued as to why the petitioner's licence should not be cancelled. The licence came to be cancelled on the ground that the premises were sealed. The Appeal preferred has been rejected also on the same ground. In the meantime, the Order of sealing of the premises was set aside by this Court by Order dated 21st January, 2003 in Writ Petition no.82/2002. In other words, the premises were directed to be desealed. In other words, the only ground based on which the licence was cancelled no longer subsists.

3. However, one more thing transpired in between, that the licence already has expired. The petitioner had not applied for renewal as admittedly he could not have done so, considering the Show Cause Notice and order of cancellation.

Considering these facts to my mind the ends of justice would be met if the following directions are made:-

The petitioner is directed to make an application for renewal of the licence to the respondent within fifteen days from today. The respondent no.1 to dispose of the same according to law within fifteen days thereafter.

Rule accordingly with no order as to costs.

F. I. REBELLO, J.

mc.